

*The English Aristocracy and Mesne Feudalism in the Late Middle Ages**

Theoretical debates about the concept of 'feudalism' in its broadest sense, together with a scholarly focus on the origins of bastard feudalism, itself now increasingly pushed back into the early thirteenth or the twelfth century, have tended to obscure the continuation of feudal services, incidents and connections throughout the later Middle Ages. Although commentators have stressed that there was never a time 'when relations [between lords and men] were purely feudal or purely bastard feudal, for there were always mixtures of associations', K.B. McFarlane's verdict that bastard feudalism was 'something essentially different while superficially similar' has proved influential and enduring.¹ While there has been a spirited debate about tenurial and non-tenurial affinities in the high Middle Ages, and also a recognition of the continuance of feudal structures and ideas in the thirteenth century (as convincingly argued by David Carpenter), there has been a tendency among historians of the twelfth and thirteenth centuries to write 'almost exclusively about the processes of feudal decline', thereby underestimating 'the significance of what, at any one time, remained'.² Understandably, among historians of the later fourteenth to the early sixteenth centuries there has been an even greater tendency to emphasise the decline or indeed the expiration of English feudalism, although Tudor historians have identified a 'revival' of the fiscal aspects of feudalism from the end of the fifteenth century and certainly after

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1. S.L. Waugh, 'The Third Century of English Feudalism', in M. Prestwich, R. Britnell and R. Frame, eds., *Thirteenth Century England VII* (Woodbridge, 1999), pp. 47–60, quotation at 50; K.B. McFarlane, 'Bastard Feudalism', *Bulletin of the Institute of Historical Research*, xx (1947), pp. 161–80, quotation at 161–2.

2. D. Carpenter, 'The Second Century of English Feudalism', *Past and Present*, no. 168 (2000), p. 32. For the redating of the emergence of Bastard Feudalism to the late thirteenth and early fourteenth centuries, see C. Burt, 'A "Bastard Feudal" Affinity in the Making? The Followings of William and Guy Beauchamp, Earls of Warwick, 1268–1315', *Midland History*, xxxiv (2009), pp. 156–80. David Crouch has strongly emphasised non-tenurial links between lords and men in the twelfth century: D. Crouch, 'Bastard Feudalism Revised', *Past and Present*, no. 131 (1991), pp. 165–77; id., 'From Stenton to McFarlane: Models of Societies of the Twelfth and Thirteenth Centuries', *Transactions of the Royal Historical Society*, 6th ser., v (1995), esp. pp. 194–5. However, there is evidence of the continuation of service by those with tenurial bonds in comital affinities in the late thirteenth century: A.M. Spencer, *Nobility and Kingship in Medieval England: The Earls and Edward I, 1272–1307* (Cambridge, 2014), pp. 119–23, though, as Spencer notes, these men could also have other links to their lords as well, created either at the beginning of their service or as a reinforcement of the feudal bond.

1541.³ Sidney Painter's dismissive verdict may stand for the views of many historians: 'By 1350 the feudalism that had been introduced by the victorious Norman duke had ceased to exist in any real sense'.⁴ Yet feudal rights underpinned a considerable amount of the common law of landholding,⁵ and provided a connection between magnate and gentry; feudalism could not and did not disappear entirely.

A great deal depends on the definition of feudalism, and a narrow one will be used here.⁶ Feudalism will be taken to have been a web of rights and duties that connected lords and their tenants who held by a certain type of tenure; that type of tenure, which was represented by a symbolic act of homage, was not, primarily, based on contract or rent, and coexisted with other legal, financial and social connections. This usage echoes that of some other commentators: K.B. McFarlane argued that, if there was to be any utility to the term 'feudalism', its use must 'be confined to the relations existing between the holders of fiefs and their lords, that it to say between the lesser and greater feudatories, and between these and the greatest of feudatories, the King'—or, as Scott Waugh more succinctly put it, 'in the narrow sense of a system of relationships'.⁷ Clearly any such web of rights and duties had an impact on revenue and on the character of lordship but need not have constituted a social system, even though it was obviously a part of one.

Most historians have dismissed feudal revenues, rights and duties in the later Middle Ages as retaining little importance, on several grounds. The obvious issues created by subinfeudation and substitution (whereby a man might hold of several lords rather than of one); the weakening of the link between tenure of land and military service; and the legal changes of the later thirteenth century onwards which allowed

3. J.M.W. Bean, *The Decline of English Feudalism, 1215–1540* (Manchester, 1968); H. Cam, 'The Decline of English Feudalism', *History*, xxv (1940), pp. 216–33; M.E. James, 'The First Earl of Cumberland (1493–1542) and the Decline of Northern Feudalism', *Northern History*, i (1966), pp. 43–69; J. Hurstfield, 'The Revival of Feudalism in Early Tudor England', *History*, xxxvii (1952), pp. 131–45; J. Hurstfield, 'The Profits of Fiscal Feudalism, 1541–1602', *Economic History Review*, new ser., viii (1955), pp. 53–61; and see also P. Cavell, *The English Parliaments of Henry VII, 1485–1504* (Oxford, 2009), pp. 205–12.

4. S. Painter, *Studies in the History of the English Feudal Barony* (Baltimore, MD, 1943), p. 14.

5. S.F.C. Milsom, *The Legal Framework of English Feudalism* (Cambridge, 1976). A recent attempt by Susan Reynolds to minimise the use of the term 'tenure', arguing that it is misleading (at least in the feudal sense) as a part of English law, does not entirely convince: 'Tenure and Property in Medieval England', *Historical Research*, lxxxviii (2015), pp. 563–76. The article concentrates on legal texts rather than administrative documents, such as the inquisitions post mortem or the financial documents used below, where tenures and services are meticulously recorded—as are the feudal incidents exploited by both Crown and mesne lords throughout the Middle Ages. Reynolds's broader work on feudalism, particularly in the earlier Middle Ages, remains of great importance, especially *From Fiefs to Vassals: The Medieval Evidence Reconsidered* (Oxford, 1994).

6. For discussion see, among many others, E. Brown, 'The Tyranny of a Construct: Feudalism and Historians of Medieval Europe', *American Historical Review*, lxxix (1974), pp. 1063–88; Reynolds, *From Fiefs to Vassals*; P. Hyams, 'Homage and Feudalism: A Judicious Separation', in N. Fryde, P. Monnet and O.G. Oexle, eds., *The Presence of Feudalism* (Göttingen, 2002), pp. 13–51.

7. Oxford, Magdalen College, GPD/26/II/28, p. 1. K.B. McFarlane, unpublished lecture on 'English Feudalism in the Fifteenth Century' delivered to the Anglo-Soviet conference of historians at Moscow, Sept. 1960; Waugh, 'Third Century of English Feudalism', p. 48.

lords and their tenants to avoid many of the more burdensome fiscal aspects of feudalism through devices such as the enfeoffment to use, make such a view in many respects compelling. J.M.W. Bean, whose study of later medieval English feudalism is still, almost fifty years after its publication, the only work wholly to focus on the subject, gave his opinion away in his title: *The Decline of English Feudalism*. The decline is seen as most evident among the nobility and gentry, compared to the Crown, which historians have seen, at least in the fourteenth century and under the Tudors, as able to use its prerogative rights to manage and exploit its tenants-in-chief to some extent.

However, there has been a tendency among historians to consider the issues primarily from the point of view of the Crown.⁸ Crown sources, in particular the inquisitions post mortem and the fiscal records from feudal aids and occasional taxation on knights' fees, have survived much better than the records of private bureaucracies.⁹ Even Bean's influential analysis takes a rather Crown-centric viewpoint (despite his important earlier study of the Percy family), and much of the work on feudal rights in the sixteenth century focuses on the financial contribution of such rights to Crown revenues.¹⁰ Yet, where one can use the records of the aristocracy, a somewhat different picture emerges.

The rights that aristocratic lords held over their tenants by knight's service (and to some extent by serjeanty and socage) were complicated, subject to reluctant acquiescence and occasionally passive resistance from tenants, and limited by the assertive nature of royal feudalism.¹¹ Blackstone identified 'seven fruits and consequences ... incident to the tenure in chivalry', namely aids, relief, primer seisin, wardship, marriage, fines for alienation and escheat.¹² By the later Middle Ages, aids, relief, wardship, marriage and escheat were the primary feudal incidents owed to mesne lords; primer seisin related solely to the king's rights, while the right of tenants to alienate land had increased

8. To take one example: although the important work by S.L. Waugh, *The Lordship of England: Royal Wardships and Marriages in English Society and Politics, 1217–1327* (Princeton, NJ, 1988), makes significant points about the reciprocity of the relationship between the king and his tenants-in-chief, and considers family strategies amongst the elites (ch. 1) regarding royal lordship, it explicitly does not engage with mesne lordship exercised by the tenants-in-chief.

9. *Calendars of Inquisitions Post Mortem* (29 vols., London and Woodbridge, 1904–2010) [hereafter *CIPM*]; M. Hicks, ed., *The Fifteenth Century Inquisitions Post Mortem: A Companion* (Woodbridge, 2012); M. Hicks, ed., *The Later Medieval Inquisitions Post Mortem: Mapping the Medieval Countryside and Rural Society* (Woodbridge, 2016); *Inquisitions and Assessments Relating to Feudal Aids* (6 vols., London, 1899–1920); A. Brayson, 'The English Parishes and Knights' Fees Tax of 1428: A Study in Fiscal Politics and Administration', *Historical Research*, lxxxix (2016), pp. 651–72.

10. J.M.W. Bean, *The Estates of the Percy Family, 1416–1537* (Oxford, 1955).

11. The classic statement of the earlier development of the law about feudal tenure is F. Pollock and F.W. Maitland, *The History of English Law before the Time of Edward I* (2nd edn., 2 vols., Cambridge, 1968), i. 229–406. There is also a good summary of the issues in Bean, *Decline of English Feudalism*, pp. 7–20, though there is, perhaps, insufficient distinction between the viewpoints of the Crown and of its tenants-in-chief—the latter, of course, being both subject to superior lordship and exercising such lordship downwards.

12. William Blackstone, *Commentaries on the Law of England* (4 vols., London, 1765–9), ii. 63.

significantly as a result of parliamentary statutes in the reigns of the first two Edwards.¹³ Relief was payable to the lord whenever a tenant entered into property as an adult after the death of his or her father. This was fixed by Magna Carta at the rate of 100s per knight's fee, and *pro rata* for multiples or fractions of a fee. If an heir of a deceased tenant holding by knight's service was under the age of 21 if male, or under 14 if female and married or betrothed (16 if unmarried), then the lord was entitled to take the estate into his own hand for the duration of the minority of the heir.¹⁴ If the lord was the primary or liege lord of an heir—a circumstance about which there could be dispute relating to priority of enfeoffment—he was also entitled to have the custody of the heir himself or herself, and the right to his or her marriage. This could be, and frequently was, conveyed or sold to third parties. Estates could thus be exploited as a source of profit for the duration of a wardship, though there were some restrictions, such as the injunction in Magna Carta (clauses 4 and 5) about wasting a ward's estates, which, if it did not always stop lords from so doing, did provide potential legal remedy for the heirs when they came of age. Provision for the suitable maintenance of the heir also had to be made.¹⁵ Experiences of such wardship may have differed widely, though perhaps those of higher degree fared better than others. Robert Kedlington recalled *circa* 1427 that he had been the ward of the eleventh earl of Oxford, 'undyr whos gouernance I was so euyllly kept that I schall fare the werse of my body all the dayes of my lyf'.¹⁶ Relations between the earl's son, John, twelfth earl of Oxford, and his guardian, Thomas Beaufort, duke of Exeter, seem to have been rather more cordial, as the duke left the young earl a silver vessel worth £40 in his will in 1426.¹⁷ However, if the tenant held of the king directly as a tenant-in-chief, as well as of a mesne lord or lords, then the wardship and marriage belonged to the king, along with the custody of all his or her estates regardless of whether these were held

13. *De Donis Conditionalibus*, within the first statute of Westminster in 1285, allowed the creation of entails, which in turn allowed the bequeathing of property, and the statute of *Quia Emptores* in 1290 reinforced this. An act of Parliament in 1315 further limited the freedom of action of lords over alienations by those who held land of them by feudal tenure: *The Parliament Rolls of Medieval England, 1275–1504*, III: *Edward II, 1307–1327*, ed. S. Phillips (Woodbridge, 2005), p. 74. See Bean, *Decline of English Feudalism*, pp. 79–103, for the changing legal situation in the thirteenth and early fourteenth century.

14. Statute of Westminster I, 3 Edw. I c. 22: *The Statutes of the Realm* (11 vols., London, 1810–28), i. 33. For a discussion of the king's prerogative rights, which were slightly different, see Waugh, *Lordship of England*, pp. 74–5.

15. Magna Carta, clauses 4, 5 and 6, established the principle of marriage without disparagement and protected the estates of the heir from ruthless custodians. For discussion, see *Bracton on the Laws and Customs of England*, ed. S.E. Thorne (4 vols., Cambridge, MA, 1968–77), ii. 252; Ranulf de Glanvill, *Tractatus de Legibus et Consuetudinibus Regni Angliae, tempore Henrici Secundi*, ed. Travers Twiss, Rolls Series, lxx (1896), pp. 196–7; S.S. Walker, 'The Marrying of Feudal Wards in Medieval England', *Studies in Medieval Culture*, iv (1974), pp. 209–24.

16. *The Armburgh Papers: The Brokholes Inheritance in Warwickshire, Hertfordshire and Essex, c.1417–c.1453*. Chetham's Manuscript Mun. E.6.10(4), ed. C. Carpenter (Cambridge, 1999), p. 91.

17. *The Register of Henry Chichele, Archbishop of Canterbury, 1414–1443*, ed. E.F. Jacob, Canterbury and York Society, xlii, xlv–xlvii (4 vols., 1938–47), ii. 355.

of a mesne lord or of the king directly. If a tenant not holding in chief died without heirs, the property would escheat to the mesne lord to be kept in hand or granted to another tenant on terms agreed by the lord and the new tenant.

The lord was also able on specific occasions to demand an aid from all his tenants. In the twelfth century, there were four occasions when this could be exercised by a lord: on the knighting of his eldest son and the marriage of his eldest daughter—both of which the king also claimed the right to do; if the lord himself was required to pay a ransom; and, lastly, to aid the lord to pay his relief to the king to enter property. All four are discussed in Glanvill (c.1188) but the latter aid was not discussed in Magna Carta, clause 15, which allowed only the former three aids; the aid for a lord's relief was thus abandoned. Chapter 36 of the Statute of Westminster I (1275) fixed the rate of aid for the marrying of an eldest daughter and the knighting of an eldest son at 20s for a knight's fee and 20s for twenty librates of socage land.¹⁸ The Statute did not mention the right to a relief for ransom, and the rate was therefore in theory flexible, but such aids would have been demanded very infrequently in England in the later Middle Ages.¹⁹ Thus, by *circa* 1400 the aids that could normally be levied were those for the marriage of the lord's eldest daughter and the knighting of his eldest son.

If the theoretical position of mesne lords was straightforward, their practical position was less so. Just as the aristocracy used legal devices such as the entail and the enfeoffment to use to evade or limit royal demands on their estates and coffers, so the lords' feudal tenants used the same devices to reduce their obligations.²⁰ The right of the tenant to dispose of or bequeath property after the statutes of Westminster I and *Quia Emptores* (1290) had reduced the lord's control over his tenant's property, while jointures allowed a greater proportion of property to remain in the hands of a widow and reduced the amount of land that could be seized into a lord's hands during a minority. Most damagingly to the mesne lord's interest, the enfeoffment to use allowed feudal tenants to evade their feudal obligations by allowing the legal title of land to be passed to a group of feoffees, while nominating the beneficiary (including minor heirs) after the death of the owner;²¹ in essence, as the feoffor legally did not hold the estate at the time of his death, the land could not be seized by the lord, and it could continue to

18. *Statutes of the Realm*, i. 36. No aid could be levied until the son was 15 years of age and the daughter had to be over 7. A royal writ was required to levy such an aid.

19. For a discussion, though mainly focused on France, see R. Ambühl, *Prisoners of War in the Hundred Years War: Ransom Culture in the Late Middle Ages* (Cambridge, 2013), ch. 7. A.J. Pollard assumed that John Talbot demanded one from his tenants in 1434: 'The Family of Talbot, Lords Talbot and Earls of Shrewsbury in the Fifteenth Century' (Univ. of Bristol Ph.D. thesis, 1968), pp. 310–11.

20. C. Given-Wilson, *The English Nobility in the Late Middle Ages: The Fourteenth-Century Political Community* (London, 1987), pp. 137–41.

21. Though not directly, as that would be collusive enfeoffment; see Bean, *Decline of English Feudalism*, pp. 181–8.

be held by the feoffees until the heir came of age.²² By no means all—or even many—of the lesser landowners made use of this: early, crude attempts at such legal evasions had been quashed by the Crown for the benefit of mesne lords in the Statute of Marlborough (c. 6) in 1267, and there are plenty of examples of lands coming into the hands of the lords. Nonetheless, enfeoffments in particular, and entails and jointure more generally, certainly reduced the profits available to lords from their feudal rights after the early fourteenth century. Other reasons have also been identified which reveal a decline in feudal revenues: Bean has argued that the fixing of rates of relief and aids in the thirteenth century at the same time as a fall in the real value of money led to a decline in feudal revenues.²³

Bean, basing his arguments on the administrative and legal records of the Crown, gives the impression that, by the fifteenth century, mesne lords derived almost no profits from relief or from wardship and marriage as a result of the development and increase of the use in law, arguing for a ‘completeness of the mesne lords’ loss of feudal incidents through uses’.²⁴ McFarlane argued that by the fifteenth century the ‘feudal relationship was only nominal and had little if any monetary value’.²⁵ Yet to describe feudal revenues in the fifteenth century as non-existent is incorrect. The extent of any drop in the profitability of the aristocracy’s feudal rights has not been fully explored by any historian. Equally, while much attention has been paid to the revival of the feudal revenues of the Crown (‘fiscal feudalism’) in the early sixteenth century, very little light has been shed on the extent to which the aristocracy either pre-empted the efforts, or followed the lead, of the early Tudors. Overviews have been attempted by a number of historians, several noting the continuation of financial remuneration. Chris Given-Wilson, for example, has argued that while there was a decline in feudal revenues in the fourteenth century as a result of tenants’ use of legal devices to evade feudal incidents, at least some aristocrats made strenuous efforts to ‘claw back what they could’.²⁶ Case-studies of later medieval noblemen and women have varied in their assessment of the significance of feudal revenue. For the honour of Clare in the first half of the fourteenth century, J.C. Ward paints a picture of revenues in decline, but concludes that, despite pressures, the lord or lady made ‘the most of the feudal incidents which he or she still retained’.²⁷ For Lord

22. For a lengthy discussion of the development of the use in the context of feudal rights, see *ibid.*, ch. 3.

23. *Ibid.*, p. 15.

24. *Ibid.*, esp. pp. 220–26, quotation at 226.

25. Magdalen College, GPD/26/II/28, p. 8. Elsewhere, however, he argued that ‘great lords continued to find their feudal rights remunerative’: K.B. McFarlane, *The Nobility of Later Medieval England* (Oxford, 1973), pp. 215–16.

26. Given-Wilson, *English Nobility*, pp. 149–50.

27. J. Ward, ‘The Court of the Honour of Clare, 1308–1360’, in Hicks, ed., *Later Medieval Inquisitions Post Mortem*, p. 53.

Fitzhugh, his feudal rights were 'clearly of significant financial value'; for the thirteenth earl of Oxford, an attempt to maximise his feudal profits in 1497–8 produced 'a reasonable return for the administrative effort'; to the biographer of the third duke of Buckingham, it was unclear whether his feudal revenues were significant or not, but it was very doubtful 'if he received anything like the potential value of this source of income'.²⁸ M.E. James, while not attempting to assess the proportion of the fifth earl of Northumberland's income that derived from feudal profits in the early sixteenth century, noted that they remained a source of fiscal profit.²⁹

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In short, no historian has attempted to survey the financial aspects of mesne feudalism in the later Middle Ages. It will be argued here that, despite very patchy survival rates, which have obscured the financial aspects of the continuance of feudal incidents in magnate finances, the extant evidence from noble administrations suggests that such incidents remained significant additional sources of income. There were, however, variations in the aristocracy's exploitation of their feudal rights between the late fourteenth and the early sixteenth centuries.

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There are other aspects of feudalism to consider too, and, while a full investigation of feudal tenants within the late medieval noble affinity is beyond the scope of this piece, some pertinent and suggestive remarks on the subject can be made. Although historians have observed the continuing presence of feudal tenants within late magnate affinities, notably M.E. James in his work on several northern lords in the early sixteenth century, feudal links are in general not thought to have been important within noble affinities; instead, the historiography has focused principally on the classic indentures of retaining and the links produced by annuities and office-holding.³⁰ However, the feudal bond between lord and tenant of a knight's fee (usually a knight, esquire or gentleman) deserves reconsideration as a feature of late medieval lordship and service; feudal tenants continued to serve in a variety of ways in magnate affinities, and personal bonds of lordship could have their origins in, and be reinforced by, the feudal connection. Little-used evidence on the continuance of the ceremony of homage underlines the importance of the ceremony as a link between the lord and his feudal tenant. First, however, it is worth briefly considering the surviving

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28. A.J. Pollard, *North-Eastern England during the Wars of the Roses: Lay Society, War and Politics, 1450–1500* (Oxford, 1990), p. 98; J. Ross, *John de Vere, Thirteenth Earl of Oxford, 1442–1513: 'The Foremost Man of the Kingdom'* (Woodbridge, 2011), p. 105; B.J. Harris, *Edward Stafford, Third Duke of Buckingham, 1478–1521* (Stanford, CA, 1986), p. 126.

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29. M.E. James, *A Tudor Magnate and the Tudor State: Henry, Fifth Earl of Northumberland*, Borthwick Papers, xxx (1966), p. 19.

30. James, *Tudor Magnate*; id., 'Decline of Northern Feudalism'; id., *Change and Continuity in the Tudor North: The Rise of Thomas, First Lord Wharton*, Borthwick Papers, xxvii (1965). Waugh, 'Third Century of English Feudalism', p. 49, states that 'tenure, contracts, kinship and casual relations could exist side by side' in a late medieval retinue.

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written evidence for the ways in which the aristocracy managed their feudal rights.

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The higher nobility held very considerable numbers of knights' fees, many as part of great honours, such as the honour of Pembroke which was held by, among others, Humphrey, duke of Gloucester, William Herbert and Jasper Tudor, all earls of Pembroke. The duke of Norfolk held 409 knights' fees across the country, according to a Crown survey made probably after the death of the first duke in 1399.³¹ Even those not among the richest members of the upper peerage held many fees. As noted in a major estate survey, the earl of Arundel held 157 in 1301, comprising 64 fees of the honour of Arundel, 31½ elsewhere in Sussex, 45 in Shropshire and Staffordshire, 11 in Norfolk, and 6 and a fraction elsewhere.³² An inquisition into the knights' fees held by John de Vere, seventh earl of Oxford, after his death in 1360 recorded that he held just over 125 (including fractions of fees) in nine counties.³³ Most were held by knight's service, though there were some serjeanties. For example, the manor of Wimslowes in Essex was held of the earl of Oxford by the service that 'on the day of the earles marriage, the lord of this manor is to be present himself as his [the earl's] champion armed and on horseback at Hedingham Castle', a service performed as late as 14 December 1571.³⁴

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It is quite clear that lords were able to keep track of their knights' fees, honorial dues and feudal rights; perhaps more effectively than was the Crown, if we can take at face value the statement in parliament in 1504 that noted the prevailing uncertainty as to the tenure of particular estates for a royal feudal aid.³⁵ Full surveys of overlordships tended to be done on a very occasional basis, as was the case with compilations such as the cartularies put together to record land transactions. Predictably, some of the best examples are those of monastic houses, such as the 'Memorandum de feodis militaribus et eorum particulis tentis de abbazia Glastoniensi', compiled in the second abbatial year of Walter Monington, abbot of Glastonbury from 1341 to 1374.³⁶ However, it is

31. The National Archives [hereafter TNA], SC 11/812.

32. *Two Estate Surveys of the FitzAlan Earls of Arundel*, ed. M. Clough, Sussex Record Society, lxvii (1967), pp. 1–3, 36, 50–51, 74–7.

33. *CIPM*, x. 518–23. These comprised 3 in Northamptonshire, 9 in Oxfordshire, 12½ in Buckinghamshire, 7 in Huntingdonshire, just under 18 in Cambridgeshire, 2 in Norfolk, just over 6 in Hertfordshire, 17 in Suffolk and 50½ in Essex.

34. Bodleian Library, Oxford [hereafter Bodl.], MS Rawlinson B 257, fo. 4.

35. *Parliament Rolls of Medieval England 1275–1504*, XVI: *Henry VII, 1489–1504*, ed. R. Horrox (Woodbridge, 2005), p. 346. Carpenter noted the ability of holders of honours both to account for their fees to the Crown and to collect the scutage due from their own feudal tenants in 1235: Carpenter, 'Second Century of English Feudalism', pp. 37–41.

36. *A Feodary of Glastonbury Abbey*, ed. F.W. Weaver, Somerset Record Society, xxvi (1910), quotation at p. 1. The *Feodarium Prioratus Dunelmensis (A Survey of the Estates of the Prior and*

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not simply the case that monastic houses, with their greater institutional memory, continuity of administration and better survival of records, were able to do what their lay counterparts were not. A wide variety of survey documents were compiled by the administrations of the lay aristocracy. The fees of William, Lord Hastings, within the Rape of Hastings were surveyed on 24 March 1469 and 24 March 1480, in both cases by the testimony of Thomas Hoo and John Fynche, esquires, and others, and a roll compiled.³⁷ While current local knowledge was clearly helpful, the roll's compilers had access to at least one earlier survey, as references to previous holders are noted under each fee (in some cases back to the reign of Edward I).³⁸ These twin sources of information were sufficient to identify not only those holding of Hastings himself, but also in some cases the tenants holding of these tenants. In a different way, the prolonged absence of a lord could generate written material, as was the case with the honour of Richmond, in the hands of the duke of Brittany for much of the fourteenth century.³⁹ Even gentry families recorded fees (or fractions of fees) held of them, with an eagle eye to their rights.⁴⁰ Another example of the wealth of written evidence created in the later Middle Ages relating to feudal rights and revenues can be seen in a 1597 survey of the honour of Castle Hedingham, sprawling across Essex, Suffolk and Cambridgeshire, held in the Middle Ages by the earls of Oxford; this made use of medieval material to trace previous holders of fees, back in some cases to Henry III's reign.⁴¹ This material included a book which the 1597 feodary noted as *Liber 2 homagium*, containing notes of homages made to the earl of Oxford between 1498 and 1509. He also consulted a work which he labelled *Liber 1 homagium*, which was made in the first year of the reign of Henry VII and contained references dating back to Edward III's reign. Also used were an extent of knights' fees of the earl of Oxford made during the reign of Henry VI by John Botun, Thomas Gurnay and John Hawkishale; a book of accounts from the same period running to at least forty-three folios, at

Convent of Durham Compiled in the Fifteenth Century, Illustrated by the Original Grants and Other Evidences, ed. William Greenwell, Surtees Society, lviii (1872) is a survey made in 1430 of the fees of the prior of Durham, but rehearsing evidence of a feodary taken in the time of Prior Melsonby (1233–44).

37. Brighton, East Sussex Record Office, AMS6079/1 (microfilm copy of the Jakes Manuscript, held by Sheffield City Library, JC 901), fos. 64–68; TNA, SC 11/658.

38. For example, Matthew de Knell, holding the manor of Knell (in Beckley), Sussex, was active temp. Edward I: TNA, SC 8/201/10042.

39. See Roger Gale, *Registrum honoris de Richmond exhibens terrarium et villarum quae quondam fuerunt Edwini comitis infra Richmundshire descriptionem* (London, 1722), and a survey of the honour in 1398 in Nantes, *Archive de Loire-Atlantique*, E116, cited in A.J. Pollard, 'Late Feudalism in England: The Case of Richmondshire', in K. Kasaya, ed., *Kuge to buke: sono hikaku bunmei shiteki kenkyū/ Courtiers and Warriors: Comparative Historical Perspectives on Ruling Authority and Civilization* (Kyōto, 2004), p. 474.

40. See, for example, the list of fees of Ralph Basset of Weldon, dating from the early fifteenth century, in British Library [hereafter BL], Sloane Ch. xxxi.3.

41. Bodl., MS Rawlinson B 319.

least in part relating to feudal revenues; and the 'black book' of Thomas Denys, the earl's feodary in the 1440s and 1450s.⁴²

Comprehensive surveys were taken only from time to time, but accounts by feodaries or bailiffs of the fees were produced annually for most of the higher nobility. The coverage of each account varied, depending on the number and geographical spread of the knights' fees or honours held by the lord in question. Normally, individual accounts were created for the great honours. For example, separate accounts were made for the duke of Buckingham of the honour of Gloucester in Gloucestershire and the honour of Hereford in Gloucestershire, though the accountant was usually the same man for both honours. In the complex administration of the Stafford family, the bailiff of the fees for these honours accounted to the receiver of Gloucestershire, Hampshire and Wiltshire, and their accounts were bound in with individual manorial accounts. However, in other areas without major honorial holdings, feodaries were appointed by the Stafford dukes of Buckingham to cover several counties, usually mirroring receiverships, as was the case with the post covering Staffordshire, Shropshire and Cheshire.⁴³ In contrast, the honours of Okehampton and Plympton, in the hands of the earls of Devon for much of the later medieval period, were usually accounted for together in the fifteenth century, though their revenues were then recorded separately in the accounts of the receiver-general.⁴⁴ The earl of Oxford seems only to have had one office to deal with all of his feudal dues, though it was on at least one occasion held by more than one man at the same time. The fifth Percy earl of Northumberland apparently had three feodaries, one each accounting for Lincolnshire, Cumberland and Yorkshire, though he held land in many more counties.⁴⁵ In other administrations, feodaries could be associated with particular manors: Ralph, Lord Cromwell, had a feodary for his manor of Bedale as well as a feodary for his Norfolk estates.⁴⁶ A further type of document was produced by magnate administrations,

42. Ibid., fos. 37, 41 (references to *Liber 1 homagium*), 38 (extent), 41 (book of accounts, noting the earl's feodaries John Payn and William Bacon, charging themselves £4 15s for the relief of Geoffrey Huntingdon, 18–19 Henry VI), 63 ('in nigro libro Thomae Denny's'); Chelmsford, Essex Record Office, D/DPr 145, fo. 10 (for the dating of *Liber 1 homagium*).

43. Harris, *Edward Stafford*, p. 125, claims that Buckingham wished to have a feodary in every county, citing *The Marcher Lordships of South Wales, 1415–1536: Select Documents*, ed. T.B. Pugh (Cardiff, 1963), pp. 273–4, 283. However, the documents in those pages do not support that statement; instead, they refer to the feodary in the lordship of Huntington (pp. 273–4) and touch on the need to hold feodary courts in every lordship, rather than in every county (p. 283).

44. There were separate headings for each honour in the receiver-general's account of 18–19 Hen. VI, though in 17 Hen. VI they were accounted for together by the official responsible: BL, Add. Roll 64324, account of receiver-general; TNA, SC 6/3479/11, feodary's account.

45. TNA, E 36/226, cofferers' accounts covering 6–18 Hen. VIII.

46. Valor of his estates, 1429–30, briefly calendared in *Report on the Manuscripts of Lord de L'Isle and Dudley Preserved at Penshurst Place* (Historical Manuscripts Commission; 6 vols., London, 1925–66), i. 207–8. The Greys of Ruthin employed a feodary for their Norfolk and Essex estates: *The Grey of Ruthin Valor*, ed. R.I. Jack (Sydney, 1965), p. 139, though not discussed in id., 'The Lords Grey of Ruthin, 1325–1490: A Study in the Lesser Baronage' (Univ. of London

perhaps by the feodary himself, and this was the deed and certificate of homage which noted the performance of the act by a feudal inferior on a particular day and at a particular place. These provided both parties with a record of tenure, and while the deed was given to those who had undertaken the ceremony, the lord kept one half of a bipartite indenture or a copy was enrolled in a feodary's book; it is clear, for example, that the servants of the lords of the honour of Dunster archived these documents very carefully.⁴⁷

II.5

Lords were also not idle in terms of setting the tone of their administrations; whether emanating directly from the lord himself or initiated by the council but endorsed by the lord, instructions ordering due diligence by their officials and inquiries to be made into feudal rights were issued by lords as eminent as the Black Prince and John of Gaunt in the fourteenth century.⁴⁸ The duke of Buckingham was much concerned with his feudal revenues; as Carole Rawcliffe has noted, as a result of his efforts, by the time of his execution in 1521, Crown commissioners could compile lists of knights' fees and their occupants in every receivership of his estate.⁴⁹

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Despite the multiplicity of records, it is possible that certain magnates might have struggled to keep track of their feudal rights as a result of political disaster. While even a long minority of a great peer would usually have seen the administrative records of an earldom or dukedom kept together fairly securely in the administrative centre(s) of the estate, forfeiture, exile or extinction during periods of political crisis, particularly the Wars of the Roses, probably saw the dispersal or destruction of the records of some magnate administrations. If lands were seized into Crown hands, papers were often seized too: many of the Special Collections series in The National Archives are primarily financial or legal records of magnate (and monastic) administrations. There are indications that, for several families, the vicissitudes of civil war created archival gaps. The earl of Oxford's *Liber 1 homagium* may represent an attempt to replace lost documents: it was made within a year of his restoration in 1485 after fourteen years of imprisonment and exile when his estates were scattered among numerous recipients. Carole Rawcliffe has argued that it was hard for the third duke of Buckingham to maintain his feudal revenues because of the loss of

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Ph.D. thesis, 1961), chs. 8, 11, 12. Even in the thirteenth century there was considerable variation in the practical jurisdictions of feodaries: N. Denholm-Young, *Seignorial Administration in England* (London, 1937), pp. 36, 41.

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47. *Documents and Extracts Illustrating the History of the Honour of Dunster*, ed. H. Maxwell-Lyte, Somerset Record Society, xxxiii (1917–18).

48. McFarlane, *Nobility of Later Medieval England*, pp. 217–19; Given-Wilson, *English Nobility*, pp. 148–9.

49. C. Rawcliffe, *The Staffords, Earls of Stafford and Dukes of Buckingham, 1394–1521* (Cambridge, 1978), p. 60, citing TNA, E 36/150. However, it is questionable how comprehensive some of these lists were: see discussion below.

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documents after the execution of the second duke in 1483, while others had then disappeared during his minority.⁵⁰

12.5 The Crown also had an interest in establishing the number of knights' fees held by tenants-in-chief, as it had rights over them during minorities. Writs of *certiorari de feodis militum et advocacionibus ecclesiarum* were issued, though perhaps surprisingly not in every—or even many—cases for the higher aristocracy in the later Middle Ages. For example, between 1422 and 1447 only seven tenants-in-chief had such writs issued, of whom four were of the higher nobility.⁵¹ Given 12.10 the greater numbers of such inquisitions in the fourteenth century, this might suggest a perceived decrease in the importance of such rights—though it may equally reflect changing administrative practice, or an acknowledgement that it was the responsibility of those who received such wardships from the Crown to catalogue and exploit these rights. 12.15 Moreover, the process of certifying knights' fees at inquisitions remains very obscure. While it has been noted that inquisitions post mortem of great magnates 'not infrequently boasted high-status jurors',⁵² not all did; higher-status jurors (gentlemen and esquires) might be 12.20 better informed of the feudal tenancies in a county than their social inferiors, but they could hardly be expected to know the details of dozens of feudal tenants and their services. Perhaps the escheator relied on previous inquisitions, or in some cases, if it suited the heir(s), magnate administrative documents might have provided the relevant information.

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12.30 The copious documentation produced by magnate administrations enabled lords to exploit their feudal rights over their tenants, both individually and collectively. For lords there were two benefits, one relating to personal ties of lordship, the other to the collection of financial revenues. The latter is the better—if still sparsely—documented.

12.35 What is perhaps most evident in assessing the feudal revenues of the aristocracy in the late fourteenth and fifteenth centuries is the relatively low level of profit in most years, with occasional windfalls of very substantial income indeed. Several sources of profit generated a base rate of income. One was that of the honorial court. The court of the honour of Wormegay was worth yearly 40s beyond the steward's

12.40 50. C. Rawcliffe, 'A Tudor Nobleman as Archivist: The Papers of Edward, Third Duke of Buckingham', *Journal of the Society of Archivists*, v (1976), p. 294; ead., *Staffords*, pp. 59–60.

51. Hugh, earl of Devon: *CIPM*, vol. xxii, nos. 202–7; Alice, countess of Kent: *CIPM*, vol. xxii, no. 327; Edmund, earl of March: *CIPM*, vol. xxii, nos. 498, 510; John, duke of Norfolk: *CIPM*, vol. xxiv, no. 119. These records may be found via *Mapping the Medieval Countryside: Properties, Places and People* (Univ. of Winchester and King's College London, 2012–), available at <http://www.inquisitionspostmortem.ac.uk/>.

12.45 52. M. Holford, "'Thrifty Men of the Country'? The Jurors and their Role', in Hicks, ed., 12.46 *Fifteenth-Century Inquisitions Post Mortem*, p. 209.

fees to Thomas, duke of Exeter in 1436; that of the honour of Dunster was valued at 20s *per annum* in 1430; the great court of the honour of Gloucester at Bristol was worth 46s 8d annually to Henry, duke of Warwick, in 1449.⁵³ Considerably more valuable was the court of the honour of Arundel in the 1380s, which produced almost £28, mostly from pleas of the forest.⁵⁴ Additional profits came from rents and farms from small parcels of lands in the hands of the lord, including escheats, which remained for the feodary to administer, and other minor and miscellaneous profits.⁵⁵ Other perquisites provided regular income in some honours: the right to castle guard, commuted to a cash payment, generated over £20 *per annum* for the lord of Richmond, for example.⁵⁶ Much larger, but occasional, sums could be generated by major escheats, the sale of wardships and marriages, the farming out of land in the lord's hands by virtue of a minority, aids for the marriage of a lord's daughter or knighting of his son, or occasional fines for specific reasons.

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This great fluctuation of income between typical and windfall years can be seen in the occasional surviving accounts of the feodary of the duchy of Lancaster in Devon between 1405 and 1480 (see [Table 1](#)). Excluding the abnormal year of Henry VI's Readeption in 1470–71, revenues were generally between £5 and £7, but could be almost forty times higher on occasion. The occasional windfalls included feudal aids that lords demanded from their tenants by knight service and in socage, as evidence from the later fourteenth and fifteenth centuries demonstrates. John Woodford paid 30s for the marriage of Lord Zouche's eldest daughter and the knighting of his eldest son in 1352, while Lord Mowbray extracted 10s from William Woodford for the marriage of his eldest daughter in 1367.⁵⁷ The earl of March claimed an aid for the marriage of his eldest daughter before 1379.⁵⁸ An aid was levied upon the Lancashire tenants of John of Gaunt when his eldest son was knighted on 20 May 1379.⁵⁹ The feodary of Richard Beauchamp, earl of Warwick, acknowledged that John Drayton had paid 10s for half a knight's fee in Dorsington, Warwickshire, owed for the marriage of the earl's eldest daughter, on 9 September 1424, while

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53. *CIPM*, xxii. 703, xxiii. 288, xxvi. 282.

54. *Two Estate Surveys of the FitzAlan Earls*, ed. Clough, p. 115.

55. Enrolled accounts of the several feodaries of the honour of Clare for 1460–61 can be seen in Westminster Abbey Muniments [hereafter WAM], 12168. Among other items the Norfolk feodary was still accounting for a farm, worth 42s annually, which had come as escheat into the lord's hands in 1438.

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56. *North-Eastern England*, p. 97; TNA, DL 28/31/14.

57. BL, Cotton MS Claudius A XIII, cartulary of the Woodford family, fos. 7v, 78v, both noted by G.G. Astill, 'The Medieval Gentry: A Study in Leicestershire Society, 1350–1399' (Univ. of Birmingham Ph.D. thesis, 1977), pp. 44–5.

58. TNA, SC 6/1111/24. They were married before 10 Dec. 1379 (TNA, C 143/396/11), and probably before September, as the accounts note there were arrears for the marriage aid at the beginning of the accounting year beginning Michaelmas 1379.

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59. Preston, Lancashire Record Office, DDM 11/73.

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Table 1: Accounts of the Feodary of the Duchy of Lancaster in Devon in the Fifteenth Century

Cash receipts				
Reference	Year	<i>(Liberacio Denarium)</i>	Notes	
DL29/725/11839	9 July 1405–21 May 1406	£15 6s 8d		14.5
DL29/725/11840	Michaelmas [M] 1440–M 1441	£160 7d	Includes sale of marriage of Richard Chichester, co-heir of John Dymmock—£153 6s 8d	14.10
DL29/725/11841, m. 10	M 1470–M 1471	22s 6d	Readeption period. Low profits of courts.	14.15
DL29/725/11841, m. 9	M 1471–M 1472	£6 2s 4d		14.20
DL29/725/11841, m. 8	M 1472–M 1473	£6 16s 7d		14.25
DL29/725/11841, m. 7	M 1473–M 1474	£6 3s 7d		14.30
DL29/725/11841, m. 6	M 1474–M 1475	£5		14.35
DL29/725/11841, m. 5	M 1475–M 1476	£5		14.40
DL29/725/11841, m. 4	M 1476–M 1477	£5 14s 9d		14.45
DL29/725/11841, m. 3	M 1477–M 1478	£5 19s 6d		14.46
DL29/725/11841, m. 2	M 1478–M 1479	£7 5s	+£10 recovered after end of account in Common Pleas versus Sir William Courtenay for relief of fees in Powderham.	
DL29/725/11841, m. 1	M 1479–M 1480	£211 6s 2d	Includes £200 fine from John Denys, gent., for keeping of manor of Leigh after death of John Hacche.	

William Poleyn paid 5s for a quarter fee in Cayford, Somerset, which he held of the honour of Gloucester (as the honour was in the hands of Isabel Despenser, countess of Warwick).⁶⁰ A receipt for 10s was issued by the earl of Oxford's feodary in 1441 to John Bagot and Margaret his wife, holding half a fee in Downham, Essex, of the earl, for the knighting of the earl's eldest son in the previous year, while in 1454–5 the same feodary acknowledged receipt of 20s from Robert Keterich for his fee at Landbeach, Cambridgeshire, for the marriage of the earl's eldest daughter.⁶¹ John Talbot, first earl of Shrewsbury, was collecting an aid for both knighting and marriage in March 1451,⁶² as were officials of the duke of Buckingham in 1517–18.⁶³ The master of the college of Mettingham, Norfolk, paid a 20s relief for the fee he held of the duke of Norfolk, on the marriage of the duke's eldest daughter, Katherine, in 1526.⁶⁴

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Establishing the overall sums these aids produced is more difficult. Most of the documentation of such aids in the financial documents comprises returns for single counties, honours or occasionally manors. For the aid claimed in 1379 by the earl of March for his daughter's marriage only the returns for the honour of Clare in Norfolk and Suffolk survive, and those not for the first year after it was claimed: in 1379–80 in Suffolk £20, part of a total sum of arrears of £47 10s 2d, was paid, leaving £27 10s 2d owing; in Norfolk £6 was handed over to William Aylmer, the receiver, leaving £4 3s 4d of arrears.⁶⁵ The fees pertaining to the manor of Benhale were assessed *circa* 1403 for an aid for the marriage of Isabelle, daughter of the earl of Suffolk; the holders of the fees paid over £25.⁶⁶ The duke of York received £6 13s 4d from the tenants of the town of Clare for the marriage of Anne, his eldest daughter, to Henry Holland, duke of Exeter, in 1460–61. The match had been agreed as long ago as August 1445, when Anne was just 6, and a grant of Holland's wardship to York on 30 July 1447 refers to the marriage having taken place, though she was well under the canonical age of marriage.⁶⁷ Either it had taken some time for the tenants to agree a fine or the collection had encountered delays or resistance.⁶⁸

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60. Berkeley Castle Muniments, BCM/G/3/1/15; Taunton, Somerset Heritage Centre, T\PH\pls/1/16.

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61. BL, Lansdowne Charters 156; Bodl., MS Rawlinson B 319, fos. 85, 118.

62. S.O. Addy, 'A Book of Feudal Aids Made for the Earl of Shrewsbury, A.D. 1451', *Transactions of the Hunter Archaeological Society*, i (1918), pp. 137–72.

63. See discussion below.

64. BL, Add. MS 40061, fo. 80.

65. TNA, SC 6/1111/24.

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66. TNA, E 198/4/15. Isabelle, daughter of the second earl, married Thomas, Lord Morley early in 1403. There is no *summa* on the account, but the sums owing or paid total £25 16s 6d.

67. *Calendar of the Patent Rolls Preserved in the Public Record Office: Henry VI* (6 vols., Norwich, 1901–10), 1446–52, p. 86.

68. WAM, 12168. For the marriage, see TNA, DL 41/2/8, cited in P.A. Johnson, *Duke Richard of York* (Oxford, 1988), p. 68, and T.B. Pugh, 'Magnates, Knights and Gentry', in S.B. Chrimes, C.D. Ross and R.A. Griffiths, eds., *Fifteenth-Century England, 1399–1509: Studies in Politics and Society* (Manchester, 1972), p. 118, n. 11.

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Accounts from the Stafford estates provide some of the best evidence for the levying of aids and the collection of the proceeds. The duke of Buckingham levied an aid on his tenants for the marriage of his eldest daughter Elizabeth to Thomas Howard, son of the earl of Surrey (and later duke of Norfolk), in 1511–12.⁶⁹ His tenants in Thornbury, holding in socage, paid 45s 5d in that accounting year. Accounts for Buckingham's properties in Staffordshire, Shropshire and Cheshire in 1517–18 record the continuing attempts to collect that aid, as well as one for the knighting of his eldest son. Arrears on the marriage account were £12 17s 4d, a sum that was carried over because no cash was collected. There was, however, a note of which knights' fees owed the relevant sums. The situation was similar for the aid for the knighting of Henry Stafford. Arrears for this aid in the accounting year of 1517–18 were £19 4s; only 46s 8d was collected and handed over to the receiver, leaving £17 10s 8d still owed.⁷⁰ The sums, however, do not tell the whole story. The list of those owing for each aid is not identical and other tenants had paid up in preceding years. A comparison of the fees listed in the survey taken after Buckingham's death in 1521 with those owing in 1517–18 suggests that a minimum of two-thirds of tenants had paid the marriage aid, and half of tenants the more recent aid for the knighting of Henry Stafford.⁷¹ Those who still owed money were of high social status, and may therefore have had sufficient standing that Buckingham could not easily pursue them—or indeed he chose not to do so as a favour. Lord Willoughby de Broke owed a combined 45s for both aids, while other debtors listed included Sir Walter Griffith, Sir Ralph Brereton, Sir Robert Sheffield and Sir Simon Harcourt. None were in Buckingham's immediate circle.⁷² In general, details of the collection of proceeds are likely to underestimate the sums that could be collected. Equally, theoretical totals are likely to have been unrealised in practice, given the difficulties of collection. The duke of Norfolk held 409 knights' fees, and so he was entitled to £409 each time an aid was levied, plus additional sums from other, lesser, tenants

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69. Stafford, Staffordshire Record Office [hereafter SRO], D641/1/2/94.

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70. Ibid., comprising 33s 4d from Richard Astley, described as for one third of a knight's fee in 'Eyton' (probably either Church Eaton or Water Eaton, Staffordshire, in both of which the Stafford family held the overlordship), but as this was considerably greater than the rate of 20s for a fee there must be some error; 6s 8d from Richard Britten for a third part of a fee in Shredicote; and 6s 8d, parcel of 20s owed by John Mytton for a fee in Bobbington, both Staffordshire. Astley still owed 105s for both aids for other fees held of the duke.

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71. TNA, E 36/150, fos. 58v–59r, notes thirty-two full fees held of the duke in Staffordshire, Shropshire and Cheshire, plus a few smaller fractions, and adds at the end of the list that 'diuers other knights fees ther be remaynnyng in the Tresoury at Thornebury'. Eleven fees (including a number of moieties) are listed as owing in 1517–18 for the marriage aid and sixteen fees owed for the knighting aid, excluding some small fractional fees: SRO, D641/1/2/94. The impression that the survey substantially underestimates the knights' fees is emphasised by the fact that Griffith, Brereton and Sheffield are not listed as holding fees.

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72. SRO, D641/1/2/94; Rawcliffe, *Staffords*, appendices B–D, pp. 195–242.

who held of him by socage—but realising these sums would have been a different matter.

Wards, and their marriages and lands, were commodities, to be retained or disposed of for profit, patronage or piety as the lord saw fit. In 1417–18, Lord Fitzhugh received just over £47 for the sale of two wards.⁷³ Sir James Luttrell sold the wardship and marriage of Elizabeth, daughter and heir of Harry Paveley, to William Dolbell of Minehead for 20 marks on 16 February 1459.⁷⁴ On 22 November 1477, the earl of Northumberland sold (though it is not known for how much) the wardship and marriage of Emma, daughter and co-heiress of Sir John Pelham, who held of the earl by knight's service, to John Morton, then keeper of the rolls, John Wood, esquire and Henry Ashborn, gentleman, from whose custody she was abducted by a group of Londoners on 1 January 1478.⁷⁵ In November 1485 the thirteenth earl of Oxford granted the wardship, marriage and custody of the estates of William, son and heir of James Lynde of Stoke Lisle, Oxfordshire, who held of him by knight service, to the abbey of Notley.⁷⁶ In 1504 or 1505 the same earl sold the keeping of the lands and the marriage of Lawrence, son and heir of Richard Foster, to Isabel Foster, probably Lawrence's mother, for the sum of £20.⁷⁷ The wardship of Richard Bendish was granted by the earl to his retainer Sir Robert Tyrell and another man in 1502, though whether as a cash sale or as an exercise in patronage is not clear.⁷⁸ Sir Thomas Butler sold the marriage and wardship of Gilbert Culcheth for 80 marks to Thomas Longley, parson of Prestwich, Robert Longley, Robert Longton, esquires, and Piers Longton, gentleman, on 27 May 1515.⁷⁹ Rather more lucrative was the sale in 1440–41 of the wardship of Richard Chichester, co-heir of John Dymmok, which netted his feudal lord (the king, as duke of Lancaster) £153 6s 8d, while the £80 received by Sir Hugh Luttrell from the sale of the wardship and marriage of Philip Courtenay in 1510 would have been a significant windfall.⁸⁰

Other infrequent financial incidents can occasionally be discerned. The thirteenth-century legislation that allowed tenants to bequeath and sell property, by which mesne lords (though not the Crown) might

73. Pollard, *North-Eastern England*, p. 98, citing Northallerton, North Yorkshire Record Office, ZJX 3/2/60.

74. *Documents ... Illustrating the History of the Honour of Dunster*, ed. Maxwell-Lyte, pp. 226–8.

75. TNA, CP 40/872, rot. 321.

76. BL, Harleian Ch. 83 Cr; Ross, *John de Vere*, p. 73.

77. Bodl., MS Rawlinson B 319, fo. 102v.

78. Bodl., MS Rawlinson B 257, p. 2.

79. W. Beaumont, *Annals of the Lords of Warrington for the First Five Centuries after the Conquest: With Historical Notices of the Place and Neighbourhood*, II, Chetham Society, lxxxvii (1873), pp. 389–90—though the description here indicates some confusion on the part of the nineteenth-century author, as he has converted fourscore marks to £26 13s 4d.

80. TNA, DL 29/725/11840; *Documents ... Illustrating the History of the Honour of Dunster*, ed. Maxwell-Lyte, p. 264. For other Luttrell examples in the 1520s, see *ibid.*, pp. 277–9, with three sales netting £20, £6 13s 4d and £20 respectively.

be deprived of their rights of wardship, marriage and services owed, has been interpreted as a blow to the power of mesne lords. Nonetheless, Bean allowed the possibility that 'there was nothing in law to prevent lords from insisting that alienees obtain either letters of confirmation or licences to enter their fees', though the latter were disallowed by the statute of 1315.⁸¹ Bean had little evidence of the extent to which lords demanded that alienations be confirmed by them, but there are hints among the records that this did occur in the fifteenth century. Certainly this was the case in the honour of Gloucester. Richard Neville, earl of Warwick, pardoned an unlicensed alienation of a manor held of the earl's honour of Gloucester by Stephen Scrope, esquire, on 15 February 1467. No note was made of any fine or sum paid to the earl, however.⁸² On other occasions money did change hands. In 1413, Lord Clinton paid £133 in a fine for two unlicensed alienations of the manor of Tytherington in Gloucestershire; in 1452–3 John Kemp, archbishop of Canterbury, and other feoffees of the same manor paid a fine to the duke of Buckingham of 100 marks for a single alienation, while in 1498–9, Henry Strangwishe paid £20 for the alienation of a moiety of the manor of Toddington to the use of his wife for the term of her life.⁸³ The honour of Gloucester was, however, unusual, as it was acknowledged that 'there is a certain custom from time immemorial that any man who shall have acquired lands or tenements held immediately of the Honour of Gloucester shall make fine, for the same lands so acquired, with the officers of the lord of the said Honour for the time being',⁸⁴ and in 1504 the duke of Buckingham instructed his officials to ensure that lands held of the honour 'have been or be used according to the custome of that honour, that is to wite, finable for every intrucion and alienacion without oure licence'.⁸⁵ Other honours may have had similar customs now hidden by the lack of documentation, and the Palatinate of Chester and the Bishopric of Durham seem to have observed the same custom.

In seeking to establish broader patterns concerning feudal revenues, the most pressing issue is the difficulty of the evidence. There are very few series of accounts full enough to allow investigation of change over time and in particular to question more closely what appears to be a substantial decline in income between the later fourteenth century and the second quarter of the fifteenth; to assess what effect both a serious economic slump and political upheaval had on feudal revenues over the

18.40 81. Bean, *Decline of English Feudalism*, p. 90.

82. BL, Add. MS 28206, fo. 31r.

83. SRO, D641/1/2/161, D641/1/2/177, and D641/1/2/200. The nature of these sums (100 marks per alienation of Tytherington but £20 for a moiety of another manor) suggests a fine based upon a valuation of the manor in question.

84. As stated in a case in Common Pleas in 1412, quoted by Bean, *Decline of English Feudalism*, p. 92.

18.45 85. Pugh, *Marcher Lordships*, p. 283. The lord of the honour of Arundel had the right to a third penny on all wood sold from ancient demesne: *Two Fitzalan Surveys*, ed. Clough, p. 104.

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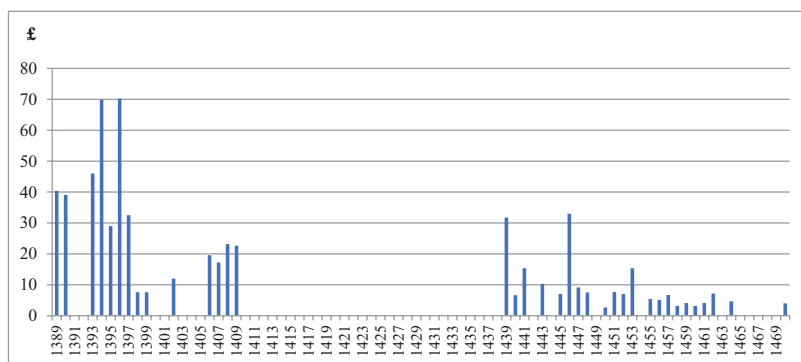


Figure 1. Feudal revenues of the honour of the Eagle (Sussex), 1389–1471. Source: TNA, DL 29/727/11942–6, 48–52; DL 29/442/7105, 7107, 7110, 7114–23, 7127–35.

period from Henry VI's reign to Henry VII's; or to explore the extent to which magnate administrations preceded or mirrored increasing royal exploitation of feudal rights in the Yorkist and early Tudor period. Only in a very few private administrations does sufficient evidence survive to illuminate some of these problems. One is the administration of the Stafford earls of Stafford and dukes of Buckingham; another is the duchy of Lancaster, which, although in the hands of the Crown from 1399, should be treated as a private, aristocratic administration in most particulars, given its deliberate separation from the rest of the Crown estate.⁸⁶ The honour of Dunster, in the hands of the knightly Luttrell family, provides a smaller-scale contrast to these two great dukedoms.

It is clear that, in general, feudal dues were falling from the later fourteenth century onwards. The evidence from the duchy of Lancaster's honour of the Eagle in Sussex, for which a reasonable series of documents survives, suggests a substantial drop over time (see [fig. 1](#)). However, there are three factors to note. While revenues in the 1440s and 1450s were substantially lower than in the 1380s and 1390s, occasional years, such as 1439 and 1446, could still reach the levels of fifty years earlier. Secondly, this decline matches an overall decline in landed revenue for landlords beginning at the turn of the century and increasing in the 1430s and 1440s, though regional differences must be taken into account here.⁸⁷ Thirdly, decline may have been as much related to politics as to socio-economic change. The two years in which the revenue of this duchy of Lancaster honour first plummeted, never

86. The richness of the Stafford archive was noted by McFarlane, *Nobility of Later Medieval England*, pp. 186, 200–212, and Rawcliffe, *Staffords*, pp. 2–5. The importance of the duchy of Lancaster as a source for aristocratic administration was discussed by R.R. Davies, 'Baronial Accounts, Incomes and Arrears in the Later Middle Ages', *Economic History Review*, xxi (1968), p. 212.

87. A.J. Pollard, 'Estate Management in the Later Middle Ages: The Talbots and Whitchurch, 1383–1525', *Economic History Review*, xxv (1972), pp. 555–7.

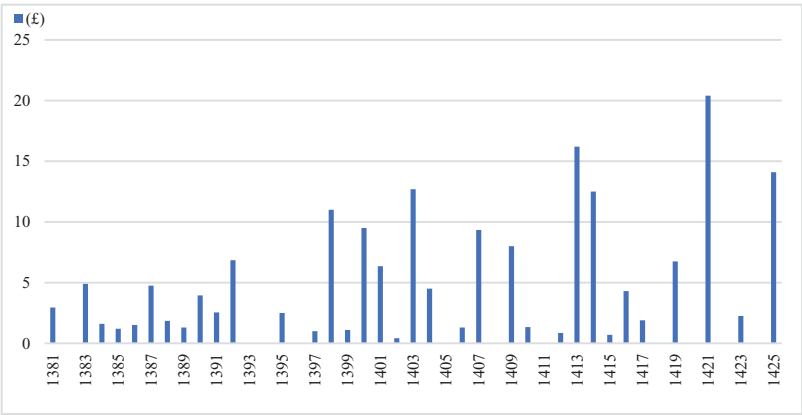


Figure 2. Feudal revenues of the honour of Dunster (Somerset), 1381–1425. Figures taken from accounts of the bailiff of the fees of the honour of Dunster, printed in Maxwell-Lyte, ed., *Honour of Dunster*, pp. 94–188.

to recover fully, were 1398 and 1399—years in which occurred the death of John of Gaunt, the exile of his heir, Bolingbroke, and the latter’s eventual recovery of his duchy and the seizure of the Crown of England. The administrative difficulties that these events caused, in this example in Sussex, are reflected in the fact that there was no annual account submitted in Michaelmas 1398; the next account covered twenty months between 3 February 1398 and Michaelmas 1399.⁸⁸ It might be posited more generally that, in times of political crisis, feudal revenues dropped. It would not be surprising if the new duke of Lancaster, Henry IV, was less aware of, or less concerned by, his feudal rights as duke of Lancaster than his father was; or he may have been more reluctant to enforce them, given that demands would fall on the Lancastrian affinity, the group on which his shaky grip on the throne relied most heavily.

In the honour of Dunster, by contrast, there was no comparative fall over this period. Indeed, average revenues were notably higher in the second and third decades of the fifteenth century than the last two of the fourteenth (see [fig. 2](#)). A resident lord at Dunster, and a small, compact honour, allowed close personal scrutiny, and is perhaps the reason for rising annual revenues, though on a small scale. Only occasional accounts of feodaries survive after 1425, perhaps because of the long minority of Sir James Luttrell (d. 1461), so the trends after this date are impossible to chart.

Missing accounts around the turn of the fifteenth century for the duchy of Lancaster honour of Bolingbroke prevent us from seeing if the

88. TNA, DL 29/727/11950. The total sum collected by the feodary was £15 6s 8d, which has been equally split in the graph above between 1398 and 1399.

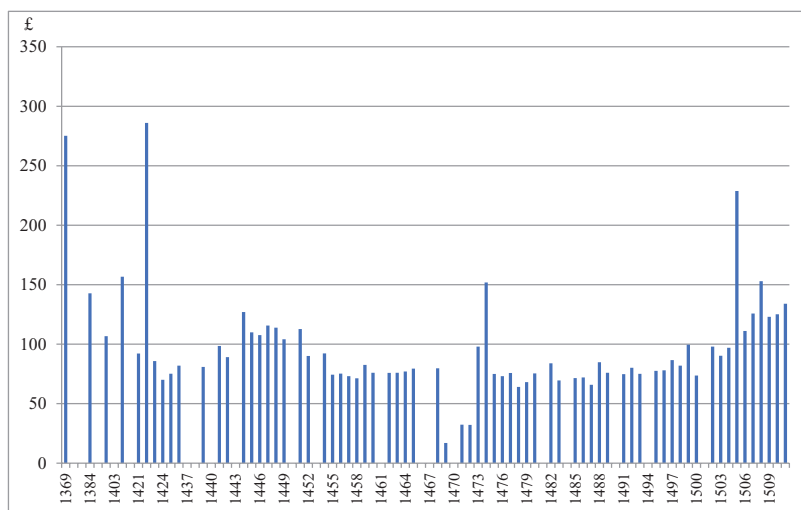


Figure 3. Feudal revenues of the honour of Bolingbroke, 1369–1511. Source: TNA, DL 29/262/4069–265/4150, receivers' accounts of the honour, noting only total income from officials rather than comprising their detailed accounts. Feudal revenue is defined as the revenues accounted for by the feodary of Bolingbroke, the feodary of Lancashire, the feodary of Hay, and the bailiff of Sutton fee.

effect of 1399 on the honour of the Eagle was replicated here or whether it was closer to the Dunster example, but the honour as a whole has the best fifteenth-century run of accounts yet found (see [fig. 3](#)). The receipts appear to show a decline from later fourteenth-century levels, though the fact that only two accounts from before 1400 survive makes such a conclusion tentative. They suggest also that it was not until later in Henry VII's reign that the Crown fully exploited feudal revenues rather than throughout the Yorkist period when revenues were on average lower than in Henry VI's reign.

While the survival rate is lower, the accounts for the honour of Gloucester in Gloucestershire, mainly in the hands of the Staffords over the course of the fifteenth century, show many of the same patterns—small revenues for most years, with occasional years of high profits—as well as the importance of personal lordship (see [fig. 4](#)). The high revenues in 1499–1500, for example, reflect the fact that this was the first full year when Edward Stafford, third duke of Buckingham, had control of his estates, and clearly maximised their profits (compared to the previous fifteen years when the estates were in the hands of absentee lords, first Jasper Tudor and then, briefly, the Crown).

It is difficult to discern at any point the proportion of a lord's landed revenues that derived from feudal profits, especially as they were so variable. Snapshots suggest that it could be significant. The castle of

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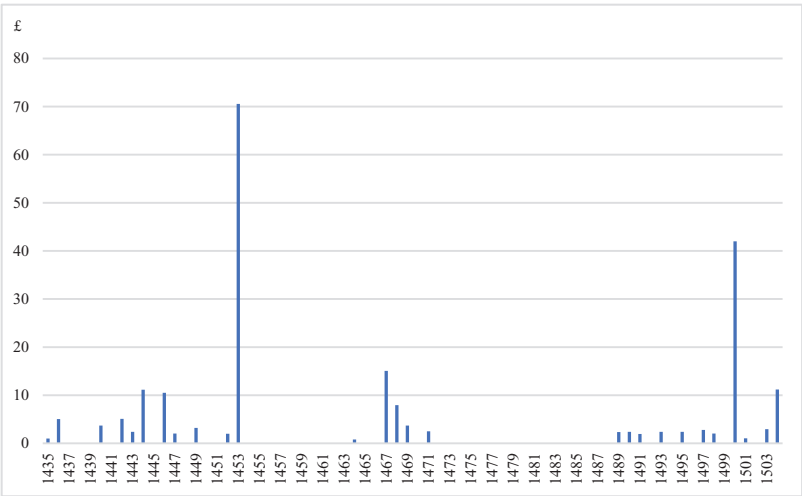


Figure 4. Feudal revenues of the honour of Gloucester in Gloucestershire, 1435–1512. Source: SRO, D641/1/2/163, 164, 167, 169–75, 177, 181–7, 189, 190, 192–202, 205, accounts of the receiver of Gloucestershire, usually with enrolled feodary’s account from the honour of Gloucester. Sum (to nearest shilling) from the summary of the receiver-general where available; if blank, then taken from *Liberacio Deniarorum* figure in the feodary’s account, with additional sums from *et debent* section added where the account makes clear that this was paid after the end of the accounting period rather than added to the general arrears.

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Richmond, with its appurtenant feudal income of relief and wards, was worth £45 *per annum* out of a total income for the honour of a little more than £400.⁸⁹ In 1509–10, the honour of Clare produced a gross revenue of £657, of which just over £50, or 7.6 per cent, was accounted for by the four feodaries.⁹⁰ In the honour of Bolingbroke, the percentage was higher: feudal revenues accounted for between 10 and 14 per cent of total income (less arrears) in some years in the reign of Henry VII and Henry VIII.⁹¹ Perhaps, then, it might be possible to conceive of the ordinary feudal revenues, at least in large honours, as comprising 10–15 per cent of income, with profits from wardships and occasional windfalls making significant additions to the standard income from profits of court and minor perquisites. Receivers’ accounts for Charles Somerset, earl of Worcester, in 1520 note that the lands of wards alone comprised 7.6 per cent of the revenues of the lordship of

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89. Figures cited in A.J. Pollard, *The Worlds of Richard III* (Stroud, 2001), pp. 118–19.
90. TNA, SC 6/HenVIII/6635. The feodaries were for Norfolk, Suffolk, Essex, and Cambridgeshire and Huntingdonshire.
91. In 1497, total income less arrears was £825, feudal revenues £86; in 1509 income was £964 and feudal revenues £123, and in 1511 income was £964 and feudal revenue £134; TNA, DL 29/264/4136, 4148; DL 29/265/4150.

Gower and 10.2 per cent of those of the lordship of Chepstow.⁹² Sir Hugh Luttrell had an annual income in the region of £350; the sale of the wardship of Philip Courtenay for £80 in 1510 would have added between a quarter and a fifth to his revenues that year.⁹³ Likewise, for Sir Thomas Butler, whose landed revenue was probably between £250 and £300 annually, the windfall of selling a wardship for 80 marks represented an additional 20 per cent on top of his annual income, beyond any other feudal dues.⁹⁴ As seigneurial income from land, in very general terms, was falling from the later fourteenth century and during the first two-thirds of the fifteenth, and thereafter stable rather than increasing until the sixteenth century, feudal revenues were not unimportant, and indeed might have been of increasing concern to lords attempting to address declining landed revenues.

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The importance of mesne feudalism as exercised by the peerage in the later Middle Ages cannot be understood solely in terms of its financial aspects. Indeed, as David Carpenter has noted, there were 'political and social implications to "fiscal feudalism"'; nor should feudalism be seen solely in financial and legalistic terms.⁹⁵ While revenues fluctuated, particularly in the fifteenth century, and lords and their tenants by knight's service may have taken different views on some of their rights and obligations, tenure by knight's service or serjeanty did create a link between man and lord that was in some respects just as significant. The continuing importance of the personal act of homage and the existence of feudal tenants within the affinities of the late medieval peerage both testify to this. Additionally, legal cases relating to the rights to wards, reliefs and other feudal incidents, while obviously having financial implications, were not solely, or in some cases primarily, focused on revenue but rather had more personal implications, such as the loss of worship if rights were abandoned and the damage to a lord's successors if his inheritance was diminished.

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All rights were important to the honour and worship of a lord, as well as potentially lucrative, and thus it was desirable for lords to punish the evasion or perceived evasion of feudal dues. The reverse was also true: from time to time lords were overly zealous in trying to claim their rights. This contributed to that most common of preoccupations

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92. W.R.B. Robinson, 'The Welsh Estates of Charles Earl of Worcester in 1520', *Bulletin of the Board of Celtic Studies*, xxiv (1970–72), p. 387.

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93. Income of £345 18s 11d calculated from his inquisition post mortem in 1521: TNA, C 142/37/116 (Somerset), C 142/37/123 (Suffolk), E 150/161/10 (Devon). This should be treated as a minimum figure because of tendency of inquisitions to underestimate landed income. For the sale of the wardship, see n. 80 above.

94. His income totalled £256 in his inquisition post mortem of 1523: TNA, DL 7/5/13 (Lancashire), C 142/40/57 (Warwickshire). For the sale, see n. 79 above.

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95. Carpenter, 'Second Century of English Feudalism', p. 45.

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of the late medieval landed classes, litigation. There are examples of legal cases brought with regard to feudal rights for non-payment of relief, disputed rights,⁹⁶ the abduction of wards,⁹⁷ and, occasionally, instances when tenants claimed that they had been unfairly distrained to pay relief or that their wardship had been claimed by a lord without legal basis.⁹⁸ Even a cursory survey reveals cases relating to feudal rights across almost the entire central legal system: King's Bench, Common Pleas, both the equity and the common law sides of Chancery and the royal council.⁹⁹

Legal and/or financial considerations are perhaps most evident in cases where the tenant could not possibly become a retainer or member of an affinity. Members of the church were on occasion required to perform homage for lands held by knight's service, though the ceremony differed from that involving laymen. During Henry VII's reign, the earl of Oxford demanded that the abbot of St Mary Graces next to the Tower of London perform homage for lands which the abbey held of the earl in Meesden in Hertfordshire. There survive two undated letters (probably written in 1498) from the earl, which reveal his attitude towards the matter.¹⁰⁰ The direct link between homage and the relief due is evident in the earl's first letter to the abbot, which notes that he owed him 'homage for your lands lying in Meseden in the county of Hertf' holden of me by the servyce of a hoole knights fee and also owe to pay me Cs for the relief of the same: which I of long tyme haue forborn'.¹⁰¹ The abbot replied three weeks later, though this does not survive. This reply received an immediate response from the earl:

96. For one example among many, see TNA, C 1/350/66, a suit brought by the executors of a feudal overlord against tenants, claiming both a relief and also an equivalent sum for an alienation, alleging that this was the custom in Cornwall. For a suit brought by the same executors against a different tenant, claiming only relief, see TNA, C 1/362/61-3.

97. Litigation relating to wardship for an earlier period is discussed in S.S. Walker, 'The Feudal Family and the Common Law Courts: The Pleas Protecting Rights of Wardship and Marriage', *Journal of Medieval History*, iv (1988), pp. 13-31. Walker argued that although it is not possible to say what percentage of all wardships came before the common law courts, 'there are many wardship cases; moreover they steadily grow in volume' (p. 16). Caroline Dunn has discussed cases of abduction in *Stolen Women in Medieval England: Rape, Abduction and Adultery, 1100-1500* (Cambridge, 2013), though in a broader context than just that of feudal wards. For the abduction of a ward in 1477, see n. 75 above.

98. For examples of tenants claiming, for various reasons, unfair pressure to pay relief, see TNA, C 1/130/42, C 1/192/25, and C 1/286/2. For a case brought by John Goring against the earl of Northumberland, dated by Leadam to c.1500, for a pretended right of wardship, see *Select Cases before the King's Council in Star Chamber*, ed. I.S. Leadam, Selden Society, xvi (1963), pp. 104-5. No verdict appears to have been reached.

99. In addition to the preceding footnotes, for the common law side of Chancery, see The National Archives series C44 (to 1485) and C43 (post-1485) and the green introductory class notes in the paper catalogue in the reading room for more detail. Cases occasionally came up in the Year Books: *Year Books of Edward II*, XV: 6 & 7 *Edward II* (1313), ed. W.C. Bolland, Selden Society, xxxvi (1918), p. 36; *Year Books of Henry VIII: 12-14 Henry VIII (1520-1523)*, ed. J.H. Baker, Selden Society, cxix (2002), p. 119.

100. For the potential dating of the correspondence to 1498, see Ross, *John de Vere*, p. 104.

101. TNA, SP 1/7, fo. 92, printed in full in Ross, *John de Vere*, p. 104.

Reuerende and right welbeloued in god I comaunde me to you. And haue receyued your writing datid at the Monastery of our Lady of graces beside the Tower of London the vth daye of this present moneth of Marche. Right wele perceyuyng thentent of the same Thaunswer whereof were to long to put in writing. Neuertheles I acertin you I aske no thing of you but suche as is my right and apperteigneth to myne old enheritaunce. And shalbe glad at your desire to put the same in sparing betwene this and the thursday in Ester weke next comyng. At whiche tyme if ye like to send oon of your counsell unto me at my Castelle of Hedingham I shalbe content by thadvice of my counsell for thaunswer of your said wrytyng to shewe suche interest and title as I haue by reason of my said enheritaunce to any suche dutie as I formerly haue demaunded of you. Furtherly acertennyng you I woll haue thexadacion [the exaction] therof at my said Castelle. For in no wise I woll send my bookis concernyng the same to London. And therfor determyne your myende according. Which if ye faile to do I must and woll put thobligacions of your fermors in sute for the same. And almighty god haue you in his keping. Written at my castelle of Hedingham forsaid the viith daye of Marche.

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[Signed] By yowr Oxynfor



The tone of this second letter, at first reasonable but then increasingly commanding and threatening, suggests both the earl's view of his rights and a certain frustration at the abbot's failure to comply immediately. No conclusion to the correspondence has been found, but there survive amongst unsorted miscellanea in The National Archives three earlier fifteenth-century documents relating to homage performed and relief or aids paid by abbots of St Mary Graces to the earls of Oxford.¹⁰³ It is likely that these were used as evidence in a legal suit brought by the earl for non-compliance, though no case has been found. Nonetheless, the earl's reference to his rights which 'apperteigneth to myne old enheritaunce' indicates that financial considerations were not his only motive, and he was well aware of his responsibility to pass on, undiminished, his rights to his heirs.¹⁰⁴

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There is also a considerable amount of evidence that peers continued to insist that acts of homage be performed, and that they were done in person.¹⁰⁵ Homage, unlike fealty, remained exclusively the preserve of

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102. BL, Cotton MS Vespasian F XIII, no. 117.

103. TNA, temporary reference X-4251. One was by the earl of Oxford's feodary, Thomas Denys, dating probably to the early 1450s, and noting that the abbot owed £20 in relief for four fees held of the earl in Westmill and Gatesbury and £4 as an aid for the marriage of the earl's eldest daughter. It also notes that a day was given to the abbot for him to do his homage and fealty. Meesden is not mentioned in this document (though it is in another in the bundle), so it may be that there was some question over this feudal overlordship, and this was the root of the dispute in Henry VII's reign.

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104. For further evidence of a very keen awareness of his inheritance, both rights and responsibilities, see the discussion in Ross, *John de Vere*, pp. 212–14.

105. There is no extended treatment of the late medieval act of homage. One discussion of the act in late medieval France touches upon the practice in England, but assumes the formal ceremony was in decline because of concerns regarding the homosexual overtones of the kiss between lord and man: J.R. Mayor, "Bastard Feudalism" and the Kiss: Changing Social Mores

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the lord himself, so it could not be rendered to his deputy.¹⁰⁶ Clearly, there were both financial and legal implications to receiving a tenant's homage; it was an acknowledgement of the lord's rights over the tenant's property and was directly connected, in most cases, to the payment of a relief by the tenant for entry into his lands. At least one

26.5 historian has seen the act solely in these terms: 'By 1350 ... homage itself had become merely an occasion for collecting relief'.¹⁰⁷ Yet there was much more to it than that. The ceremony itself was too important, too laden with symbolism, and, including as it did an oath sworn on

26.10 the Bible, too serious to be treated lightly.¹⁰⁸ As Rees Davies noted, 'we should not underestimate the emphasis on the personal and physical acknowledgment of lordship which, ultimately, lay at [the ceremony's] root'.¹⁰⁹ Much of what has been written about homage in earlier centuries is applicable, at least in part, to homage in the later Middle

26.15 Ages. As David Crouch has observed, 'Homage in all cases was a very personal act: joining hands and affirming a relationship with a superior. It could be an impressive and exalting occasion'.¹¹⁰ There are several late medieval descriptions of the act which support this view. The most well-known is that in Littleton's *Tenures*, written probably towards the

26.20 end of his life (he died in 1481), but the following description of the ceremony, likely to have been written at a similar date, is more detailed:

fyrst he must knell upon his knees before his lord syttyng yn his cher a pon a stole and holde both his handes close up ryght by twyxt both his lordes handes and say in thys wyse as folowyth: 'I be come your man from

26.25 this day forwards for lyff and dethe to serue yow & to bere yow my fayth, seruice and wordely honor afore all men for the landes that y hold of yow in A callid B by the seruice of a knyghtes fee excepte the seruice, faith and troyth that I bere to our souerayn lord the kyng'. And ayen he shal kysse the lordes cheke and arcyce and in this doying homage he ought to be bare

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in Late Medieval and Early Modern France', *Journal of Interdisciplinary History*, xvii (1987), pp. 509–35. The continuing importance of the act for English lords in the fourteenth century is noted in R.R. Davies, *Lords and Lordship in the British Isles in the Late Middle Ages*, ed. B. Smith (Oxford, 2009), pp. 78–80, 198–200. Ward found that, in the honour of Clare in the first half of the fourteenth century, 'vassals were reluctant to perform homage'; in light of the evidence below, this was either unusual or was a trend that was reversed by the fifteenth century: 'Court of the Honour of Clare', p. 53.

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106. Edward Coke, *The First Part of the Institutes of the Laws of England; or, A Commentary upon Littleton* (3 vols., London, 1794), vol. ii, sect. 92. For a discussion, see *Documents ... Illustrating the History of the Honour of Dunster*, ed. Maxwell-Lyte, pp. xlii–xlvii.

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107. Painter, *History of the English Feudal Barony*, p. 14

108. For the importance of oath-taking in various contexts, see J. Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London, 1978), pp. 114–15, 142–4; J. Lee, "'Ye shall Disturbe noe Mans Right': Oath-Taking and Oath-Breaking in Late Medieval and Early Modern Bristol", *Urban History*, xxxiv (2007), pp. 27–38.

109. Davies, *Lords and Lordship*, p. 78.

110. D. Crouch, *The English Aristocracy, 1070–1272: A Social Transformation* (London, 2011), p. 23. For a lengthy discussion of homage in the earlier Middle Ages, see Hyams, 'Homage and Feudalism', pp. 13–50.

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heddyd yf he haue not a licens to kepe on his bonett and also he ought to [be] ongyrd [ungirt] and without wepyn.

To reinforce the binding nature of the ceremony, a ‘book’—that is, the Bible—was used:

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And as sone as he hath kyssid the lordes cheke and standes upon his fete ayen he schally his hand a pon a boke and say the words fowlyng that is to say ‘This here yow my lord that y from this day forward schalbere yow faith and trowith and I schalbe faythfull and trew and serue yow accordyng to my homage þat y haue done onto yow for the landes formally rehersed trewly and dewly pay yow my rentts, sutes, and my seruice to the same belongyn nothyn from the same wythdraw to my knowlych and in all other thyngs be haue me as a true man owght to do to his lord accordyng to þe rehersall of my said homage so helpe me god and all saynts and by this boke’.¹¹¹

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There are a number of shorter versions of the oath of homage extant, but in essence they contain only minor variants.¹¹²

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The deed or certificate of homage which developed in the later Middle Ages usually noted where the act of homage took place and its date. For example, on 20 April 1405 Hugh Luttrell received the homage of Gilbert Basing for the manor he held by a quarter of a knight’s fee of Luttrell’s honour of Dunster.¹¹³ On 4 April 1409, at the bishop of Exeter’s manor of Glasney, Ralph Soor made homage for the lands he held of Bishop Stafford.¹¹⁴ John Mowbray, duke of Norfolk, received the homage of John Lucas at Framlingham on 10 December 1447 for his lands in Aldespath (Warwickshire), which he held by knight’s service.¹¹⁵ John Bromley made homage to a feoffee of John, Lord Audley for his manors of Baronsford and Chorley on 19 October 1479.¹¹⁶ On 27 October 1515, the tenth Lord Clifford (d. 1523) received the homage of Henry Marton for the lands he held of him by knight service; more generally, M.E.

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111. BL, Add. MS. 28206, fo. 40v, a cartulary of the Scrope family dating before 1482. It is very similar, though containing more detail, to Littleton’s *Tenures*, book 2, c. 1, first printed in 1481 or 1482: Thomas Littleton, *Expliciunt tenores nouelli...* ([London], [1482]).

112. A ‘later’ hand on a feodary of Glastonbury abbey recorded this version: ‘I be come your man from this day forthward and forth shall bere yew for the londes and tenements the whiche y hold of yew by Knyghtes serviss in T. savyng the feith that y owe to the Kyng and to my other lordes and therto y sure my trowthe’: *Feodary of Glastonbury Abbey*, ed. Weaver, p. 118. There is a sixteenth-century version in TNA, WARD 2/58/218/1, fo. 9r, and what appears to be a detailed Elizabethan version written inside the cover of an earlier homage roll of the manor of Warrington from 1491–1517: W. Beamont, ‘Homage Roll of the Manor of Warrington, 1491–1517’, *Miscellanies Relating to Lancashire and Cheshire I*, Record Society of Lancashire and Cheshire, xii (1885), p. 12. See also the descriptions in Littleton and Coke of the act: Coke, *Institutes*, vol. i, sects. 85–90.

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113. *Documents ... Illustrating the History of the Honour of Dunster*, ed. Maxwell-Lyte, p. 125, and for other examples, including named witnesses, see pp. 132–3, 138, 154–5, 175, 178, 180, 184, 186, 192–3, 225–6, 236–7, 240–42, 246–8, 264, 273–4, 282–5.

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114. Truro, Cornwall Record Office, AR/1/225; for other examples among the Arundell of Lanherne collection, see AR/1/247, 883, 939, 1041, 1042, and AR/3/31, 80, 147, 149, 151, 152.

115. The deed of homage was drawn up two days later: Berkeley Castle Muniments, BCM/D/5/76/1.

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116. Chester, Cheshire Archives, DCH/A/532.

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James noted that Lord Clifford persisted in the personal performance of homage and fealty, and this 'gave direct and visible expression to the tie between lord and vassal'.¹¹⁷ Generation after generation might make homage to a lord for the same lands, providing continuity of connection. John Woodford made homage to the third Lord Zouche for lands he held by knight service in 1384, while Sir Robert Woodford did homage to the fifth Lord Zouche on 7 January 1420.¹¹⁸

The location where the act took place and, on occasion, the status of the witnesses suggests the importance that was attached to the ceremony. Michael, Lord de la Pole, received the homage of Sir John Wingfield, at Framlingham, the residence of Margaret of Brotherton, countess of Norfolk, and in her presence, on 9 September 1383, rather emphasising the superior status of the countess.¹¹⁹ On 13 January 1490, Sir Thomas Butler sat to receive the homage of several tenants holding of his manor of Warrington, attended by the lieutenant justice of Chester, three esquires, and by his steward, Henry Doker, who was master of ceremonies, and in the presence of the earl of Derby, Thomas Bretherton, baron of the king's exchequer at Lancaster, Richard Sneyde, recorder of Chester, and others.¹²⁰ While Butler usually received homages in his residence at Bewsey (occasionally the 'dining hall' was specified), the ceremony was occasionally carried out in other high status locations, such as at the earl of Derby's seat at Lathom, the house of the Friars at Warrington, and at the sessions of the peace at Lancaster, in the great hall of the castle.¹²¹ The latter ceremony concerned the homage of Sir Thomas Gerrard, about which 'there had been great discord between the said parties' for at least four years; Butler evidently wished for his success in enforcing his rights to be widely noted, and the venue ensured the fulfilment of this wish, since, as the homage roll noted, there were more than a hundred men gathered there for the sessions.¹²² In the imposing surroundings of the lord's residence or another high-status building, before witnesses and often members of the lord's household, the circumstances of the ceremony would have emphasised the importance and solemnity of the occasion for both tenant and lord. Not only were legal and financial rights at stake, but

117. James, 'First Earl of Cumberland', p. 48. The importance of the feudal lordship of the first earl in his affinity has been played down by R.W. Hoyle, 'The First Earl of Cumberland: A Reputation Reassessed', *Northern History*, xxii (1986), pp. 63–94.

118. BL, Cotton MS Claudius A XIII, fo. 8r–v.

119. TNA, E 198/4/12 dorse.

120. Beamont, 'Homage Roll of the Manor of Warrington', pp. 2–3. A few years later, the earl of Derby's household steward, Sir Henry Halsall, disputed the right of Derby's rival, Sir Thomas Butler, to receive his homage for land held in Halsall: S. Cunningham, 'Henry VII, Sir Thomas Butler and the Stanley Family: Regional Politics and the Assertion of Royal Influence in North-Western England, 1471–1521', in T. Thornton, ed., *Social Attitudes and Political Structures in the Fifteenth Century* (Stroud, 2000), pp. 230–31.

121. Beamont, 'Homage Roll of the Manor of Warrington', pp. 15, 19, 35.

122. *Ibid.*, pp. 35–7. Gerrard had agreed to respite his homage at an annual rate of 12*d* at an earlier session of the assizes at Lancaster in August 1512: *ibid.*, p. 27.

lordship and worship were also publicly enhanced by an insistence on the performance of homage.

In this context, it is also worth noting that, somewhat in contrast with the practice of the Crown, there seems to be little evidence among the nobility for the extensive use of respite of homage for financial gain. The certificates of homage to the Crown have survived only very patchily, but a preliminary survey by Michael Hicks has suggested that respite was common—usually to the next major feast day—but also, since the Crown did not make it easy for the tenant-in-chief to arrange the performance (with three senior royal officials needed to produce the paperwork), Hicks has concluded that ‘many, perhaps most, were years overdue’, and perhaps that homage was viewed more casually than the Crown would have liked.¹²³ The situation among mesne lords was different. Long delays in the performance of the ceremony seem to have been rare, possibly because of the smaller numbers of tenants and shorter geographical distances for tenants to travel (in most cases). Nonetheless, homage was respited on some occasions, perhaps for financial reasons. This might have been for the benefit of the tenant; even small sums for relief may have been difficult for newly installed manorial lords to pay, while respites were often smaller still. John Byrom owed only 5s for his relief to his lord, Sir Thomas Butler, for his holding of a twentieth part of a knight’s fee, but preferred to pay 12d to respite his homage for a year.¹²⁴ Respites may also have been used, in some cases, to avoid the difficulties potentially inherent in the late medieval feudal system by which a man might have to kneel in homage to a man of equal or even inferior status. Sir Henry Kighley paid his relief of 33s 4d to Sir Thomas Butler for the third part of a knight’s fee that he held of him, but made an indenture to pay Butler 8d a year to respite his homage. Both Sir Henry Halsall and Sir Thomas Gerrard agreed to pay annual respites to avoid homage to Butler, but both ended up in dispute. However, on some occasions these awkward situations did play out: Sir Hugh Luttrell insisted on the personal performance of homage by Lord Audley, his social superior, and the ceremony was performed at Dunster on 3 September 1425.¹²⁵ Long delays in undertaking homage seem to have been rare, unless there were special circumstances. While the tenants of the honour of Dunster were not required to do homage for many years in the 1430s, this was because the lord was a minor.¹²⁶ The earl of Oxford seems not to have enforced his right to homage and relief between the restoration of his estates in 1485 and the autumn of 1497. Given his extensive involvement in military efforts to keep Henry

123. M. Hicks, ‘The Certificates of Homage: Some Preliminary Thoughts’ (July 2013), *Mapping the Medieval Countryside*, available at <http://www.inquisitionpostmortem.ac.uk/blog/the-certificates-of-homage-some-preliminary-thoughts/> (accessed 22 June 2018).

124. Beamont, ‘Homage Roll of the Manor of Warrington’, p. 27.

125. *Documents ... Illustrating the History of the Honour of Dunster*, ed. Maxwell-Lyte, p. 186.

126. *Ibid.*, pp. 202–3, 207–8, 212–13.

VII on the throne, the time at which significant efforts commenced to enforce his feudal rights—after the capture of Perkin Warbeck in the summer of 1497—is probably not a coincidence.¹²⁷

30.5 While historians have, in various contexts, noted the existence of
tenants holding by knight's service within magnate affinities in the
later Middle Ages, not a great deal of attention has been paid to them
in the period after the Black Death, particularly in comparison with
30.10 by indenture or who were paid cash annuities—the famous 'bastard
feudal' retainers—and the extent to which peers were able to draw upon
the service of their lesser manorial tenants, yeomen and peasants, to
provide the bulk of the manpower as archers or billmen in late medieval
armies.¹²⁸ A full survey of the extent to which feudal tenants formed
30.15 part of late medieval affinities is beyond the scope of this article, but
it can be briefly suggested that while the feudal connection should not
be overplayed, it should not be underestimated either. Of a sample of
eighty-nine retainers and annuitants of John of Gaunt—who, by the
very nature of the sample, had other connections to the duke—thirty-
30.20 two held at least some land of the duke.¹²⁹ Mervyn James noted that
no fewer than seven out of ten servants who accompanied the earl of
Cumberland to London in 1525 came from families of mesne tenants.¹³⁰
Given the potential numbers involved, the significance of the tie for
magnate affinities becomes apparent. Between February 1498 and
30.25 March 1509, at least fifty-four men made homage to the earl of Oxford
in person.¹³¹ At least nineteen men did homage to Sir Hugh Luttrell,
owner of the honour of Dunster, between 1485 and 1504.¹³² Thirty-nine
men did homage to Sir Thomas Butler, as lord of Warrington, in the
years 1491 to 1517.¹³³ Feudal tenure provided an *entrée* to a magnate
30.30 affinity, and, moreover, an inherited one that brought a tenant to the

127. Ross, *John de Vere*, p. 105.

128. In her otherwise important study of social networks in fifteenth-century Warwickshire, M.C. Carpenter does not discuss feudal tenure or homage as one possible root for the networks she analyses: *Locality and Polity: A Study of Warwickshire Landed Society, 1401–1499* (Cambridge, 1992), pp. 281–346. M. Hicks, *Bastard Feudalism* (Harlow, 1995), briefly discusses ongoing feudal connections, at pp. 21–4, 35–6; M. Powicke, *Military Obligation in Medieval England: A Study in Liberty and Duty* (Oxford, 1962), ch. 11, also considers briefly the 'quasi-feudal' element in armies in the late Middle Ages (quotation at p. 215).

30.35 129. S. Walker, *The Lancastrian Affinity, 1361–1399* (Oxford, 1990), p. 27. Walker in general played down the importance of feudal connections in Gaunt's enormous and atypical affinity, noting the potential fragmentation of service by those holding knights' fees, and that many held land of more than one lord. He did note, however, the importance of the tenurial connection in the initial formation of the duke's affinity.

130. James, 'First Earl of Cumberland', p. 48; Hicks, *Bastard Feudalism*, p. 36.

131. Ross, *John de Vere*, p. 103.

132. *Documents ... Illustrating the History of the Honour of Dunster*, ed. Maxwell-Lyte, pp. 251–4.

30.45 133. Beamont, 'Homage Roll of the Manor of Warrington', pp. 12–37. There are also a number
30.46 recorded in a transcript of a homage roll relating to Sir Robert Pedwardine, temp. Hen. IV–Hen.
VI: Bodl., MS Dodsworth 85, fos. 41r–45v.

attention of a lord and his council. As James put it: 'Military tenure created a bond, transmitted from generation to generation, between a lord and his mesne dependents which found natural expression in the latter's service as their lord's fee'd men and officers'¹³⁴

The feudal connection could establish personal bonds: lords acted as guardians to some of their wards who held of them by knight service, and such wards might become part of the lord's household as henchmen or servants in the upper household; feudal tenants knelt before the lord to offer a formal act of homage, but probably also stayed for a meal, given the customary hospitality offered by the late medieval nobility; the knighting of the eldest son or the marriage of the eldest daughter of the lord might have been opportunities for feasts, entertainments and building personal associations for the feudal tenant as well as occasions for payment of an aid. Lastly, there are hints that there remained at the heart of this relationship the purest form of feudalism: military service. The great contract armies that served in royal campaigns in France have been the focus of most scholarship on late medieval armies. Feudal tenants did not normally comprise a high percentage of the men-at-arms of a lord's contingent there, as the lord was usually taking a compact and partly or largely professional unit rather than drawing on the county gentry of his wider affinity.¹³⁵ Yet the much larger magnate levies that fought the Wars of the Roses and defended the English coasts and borders from invasion, about which we know much less, may well have had at least some of their roots in knight's service, and this is an area which would repay further historical study. Few historians have considered this aspect of fifteenth century feudalism, although the military importance of feudal relationships in Richmondshire, which 'in support of, or in opposition to the crown, [were] a potent force', has been explored by Tony Pollard.¹³⁶ Often the evidence for such military service survives only as a result of problems or disputes. In October 1523, faced with the threat of a Scottish invasion, Lord Clifford called up his feudal as well as his manorial tenantry, demanding that they, with such tenants as dwelt upon their lands held of him, attend upon their lord at Newcastle on 20 October. Lord Dacre, both a fellow substantial

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134. James, *Tudor Magnate*, p. 20.

135. See the recent survey by A. Ayton, 'Military Service and the Dynamics of Recruitment in Fourteenth Century England,' in A.R. Bell, A. Curry et al., eds., *The Soldier Experience in the Fourteenth Century* (Woodbridge, 2011), pp. 9–59, though feudal or tenurial links are not explicitly discussed. For the last period of regular feudal service—alongside paid service—in royal armies, see D. Simpkin, *The English Aristocracy at War: From the Welsh Wars of Edward I to the Battle of Bannockburn* (Woodbridge, 2008), esp. ch. 5. In general, Simpkin is positive about the contribution that feudal service made to royal armies under Edward I and Edward II, but notes the financial hardship it may have caused tenants-in-chief during periods of sustained warfare, arguing that it was for this reason that the wars of Edward III's reign were fought by contract armies. See also P. Morgan, *War and Society in Medieval Cheshire, 1277–1403*, Chetham Society, 3rd ser., xxxiv (1987), pp. 29–30.

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136. Pollard, 'Late Feudalism in England', pp. 469–82. See also Hicks, *Bastard Feudalism*, pp. 188, 192–200, for discussion of lordly retinues in civil war.

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northern landowner but also warden of all three marches towards the Scots, wrote to Clifford on 14 October regarding two men who Clifford had summoned. The first was Dacre's servant, Thomas Sandeford. While Dacre did not deny that Sandeford held of Clifford, he appealed to precedent, stating that Sandeford's grandfather and father had held office of Dacre, and had served in his company, including at Flodden—and so should Thomas. The other was Sir John Lowther, who, Dacre alleged, not only held of the king, but was also retained as a household servant by Cardinal Wolsey; Wolsey had given Dacre authority over all his servants, tenants and retainers in Cumberland, Northumberland and Westmorland, so Lowther should attend upon Dacre rather than Clifford in the king's service against Scotland.¹³⁷ The interplay of connections other than the feudal, such as office and household service, is obvious here, but the fact that two exceptions were claimed here should not obscure the fact this was a feudal summons by a lord, and in all probability Clifford raised a substantial force from it.

A feudal or tenurial connection was just one of a number of links that might exist between lord and member of the gentry—alongside retaining contract, annuity, office-holding and well-wishing, for example—and as such could be important, but was by no means crucial, in building affinities and connections. It is also clear that the practical difficulties of men holding of more than one lord, including the Crown, might seriously diminish the use of military feudal service. However, this was more likely to be an issue for greater knights and esquires: parochial or hundred gentry were more likely to hold land of a single lord. Even when gentry held of more than one lord, including the king, there was, in many cases, only one local lord that mattered. The wealthy East Anglian knight, Sir Edmund Bedingfield, held lands in five counties of numerous lords, including the earls of Surrey and Suffolk, as well as the king in chief, but he was remarkably loyal to another man he held land of during Henry VII's reign, the earl of Oxford, noting that 'next to the Kynge ... I was bownde to do him service'.¹³⁸

Feudal landholding, and what it might entail, was so well established by the later Middle Ages that its survival was guaranteed, particularly in comparison to other forms of recruitment to a lordly affinity or

137. BL, Add. MS 24965, fo. 186r–v, briefly abstracted in *Letters and Papers, Foreign and Domestic of the Reign of Henry VIII* (23 vols. in 38, London, 1862–1932), iii, 1428–9. For Dacre, see S.G. Ellis, 'A Border Baron and the Tudor State: The Rise and Fall of Lord Dacre of the North', *Historical Journal*, xxxv (1992), pp. 253–77. For the strong connections between Clifford and Lowther, who had been his deputy sheriff in Cumberland since 1511, and for Sandeford holding the office of steward of Appleby as well as being Clifford's tenant, see James, 'Decline of Northern Feudalism', pp. 49 n. 34, 50; R.W. Hoyle, 'Letters of the Cliffords, Lords Clifford and Earls of Cumberland, c.1500–c.1565', *Camden Miscellany XXXI*, Camden Society, 4th ser., xlv (1992), pp. 87–8, 159–61.

138. *Calendar of Inquisitions Post Mortem and other Analogous Documents Preserved in the Public Record Office: Henry VII* (3 vols., 1898–1955), vol. ii, nos. 4, 5, 89, 98, 99; *The Paston Letters*, ed. J. Gairdner (6 vols., London, 1904), vi, 99; Ross, *John de Vere*, pp. 125–6, 229.

connections between a lord and a knight, esquire or gentleman that were often subjected to limitation by statute. Famous (though not entirely justifiably) for his legislation which, in theory, banned nobles from retaining men beyond their household and estate officials, Henry VII did not outlaw one specific form of recruitment to a noble retinue because this would 'have been an intolerable intrusion [by the Crown] upon the rights of lordship'.¹³⁹ Tenure by knight's service was an area of lordship and service where even Henry VII dared not tread.

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In narrow terms of relationships, rights and obligations, feudalism was neither extinct nor moribund in the later Middle Ages, and it did not need reviving by the Tudors. Enshrined in law, it did not define an entire social system, but operated alongside other financial, social and ideological links between man, lord and king. For the nobility in the later fourteenth, fifteenth and early sixteenth centuries, feudal rights remained both a source of income and a source of personal connections between themselves and some sections of the county and regional communities with whom they interacted.

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139. A. Cameron, 'The Giving of Livery and Retaining in Henry VII's Reign', *Renaissance and Modern Studies*, xviii (1974), p. 21.

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